

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

Christopher Morales and Mary

Helen Morales

*Plaintiffs,*

V.

Specialized Loan Servicing, LLC

*Defendant,*

Civil Action No:

5:22-cv-00527-XR

Plaintiff's Reply to Defendant's Response in Opposition to Plaintiff's  
Motion to Remand

1. When a party challenges a court's subject matter jurisdiction, the burden of proof is shouldered by the party asserting jurisdiction. *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001).
2. Passed the burden to show the Court's subject matter jurisdiction, SLS fumbles: "Plaintiffs' claims against SLS are entirely meritless..." ¶21 of Defendant's response.
3. Huddled so tightly on federal question jurisdiction, SLS's response lands short. It complains that a motion to remand for lack of *subject matter jurisdiction* "does not dispute the existence of a *federal question*." ¶6 of Defendant's response.

4. Amended complaint or not, why should it Plaintiff address the existence of a federal question? As *Perez* makes clear even with a federal question, a party asserting jurisdiction in federal court must have standing. *Perez v. McCreary, Veselka, Bragg & Allen, P.C.*, No. 21-50958, 2022 U.S. App. LEXIS 22649 (5th Cir. 2022).
5. Seeking jurisdiction in federal court with the positions that Plaintiff claims are fictional<sup>1</sup> and now meritless<sup>2</sup> SLS is so far out of bounds as to concede the lack of standing.

## Conclusion

6. Standing is an essential element of subject matter jurisdiction. SLS's response falls short of its goal of showing this Court's jurisdiction. Lacking subject matter jurisdiction, the Court must remand.

Dated: September 9, 2022

Respectfully Submitted,

/s/William M. Clanton  
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<sup>1</sup> Defendant's Original Answer to Plaintiffs' Original Petition and Counterclaim Against Plaintiffs [Docket No. 2, Pages 29-33]

<sup>2</sup> Defendant's Response in Opposition to Plaintiff's Motion to Remand [Docket No. 22]